



Agenda Date: 09/27/00  
Agenda Item: 7D

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

**CABLE TELEVISION**

IN THE MATTER OF THE ALLEGED FAILURE )  
OF SAMMONS COMMUNICATIONS OF NEW )  
JERSEY, INC., TO CONFORM TO N.J.A.C. )  
14:18-3.16(a) 1 AND 2 NOTICE OF RATE )  
CHANGE )

ORDER ACCEPTING  
OFFER OF SETTLEMENT

DOCKET NO. CO00090647

(SERVICE LIST ATTACHED)

BY THE BOARD:

Sammons Communications of New Jersey, Inc. ("Sammons"), formerly a multiple system operator, was a franchised cable television operator that provided cable services through four subsidiary systems Dover/Morris, Easton (Phillipsburg), Ocean Pleasantville, and Vineland to approximately 245,000 New Jersey subscribers in 66 communities in Atlantic, Cape May, Cumberland, Gloucester, Hunterdon, Morris, Sussex and Warren counties. The Board's Office of Cable Television, Bureau of Inspection and Enforcement ("Office") alleged that Sammons, in implementing certain increases in the basic rates for its Phillipsburg cable television system ("Phillipsburg system"), both prior to the system's deregulation under the terms of the Telecommunications Act of 1996 ("1996 Act"), 47 U.S.C. § 151 et seq., and its transfer to Service Electric Cable TV of Hunterdon, had failed to conform with the provisions of N.J.A.C. 14:18-3.16 (a) 1 and 2, Notice of Rate Change.

Specifically, the Office alleges that Sammons failed to file tariffs and provide 30 days notice in advance of the implementation of rate increases for its cable services as required by N.J.A.C. 14:18-3.16 (a) 1 and 2., in that it implemented revised rates for its Phillipsburg system on January 1, 1995, and had not filed its revised tariffs until February 20, 1995. Said tariffs were subsequently amended on March 30, 1995.

N.J.A.C. 14:18-3.16 (a) 1 specifies that:

A cable television company implementing a change in its rates shall file with the Office revised tariff sheets reflecting any rate changes at least 30 days prior to the effective date.

N.J.A.C. 14:18-3.16 (a) 2 specifies that:

Each cable television company shall individually notify, in writing, its subscribers and affected municipalities of a rate change at least 30 days prior to the effective date, with a simultaneous copy of the notice to the Office.

Sammons submitted its Offer of Settlement in the amount of \$1,000.00 in order to resolve all issues concerning the violations alleged by the Office during the period of time that it operated the Phillipsburg system. The \$1,000 monetary payment is offered in lieu of any fine which may otherwise be imposed under the terms of the New Jersey Cable Television Act, and will be paid to the Treasurer, State of New Jersey upon the Board's acceptance of the Offer.

The Office recommends acceptance of this Offer of Settlement in view of the age of the alleged violations, the past compliance history of the operator, and its cooperation in reaching a resolution of the underlying rate matters, which had been the subject of an appeal before the Federal Communications Commission ("FCC").

The Board has reviewed the matter and recommendations of the Office, and **HEREBY FINDS** them to be reasonable, in the public interest and in accordance with the law. Therefore, the Board **HEREBY ACCEPTS** the Offer of Settlement proffered by Sammons subject to the following provisions, conditions and/or limitations:

1. The \$1,000.00 monetary payment will be accepted by the Board as settlement for the alleged non-conforming practices of Sammons.
2. The Board's acceptance of the Offer of Settlement is for the purposes of this proceeding only and shall not be construed as limiting the Board's authority in any other matter affecting Sammons.
3. For the purposes of assessing penalties for future offenses by Sammons, such future offenses shall be considered subsequent offenses, in accordance with N.J.S.A. 48:5A-51(b).

DATED: October 5, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)  
FRANCES L. SMITH  
SECRETARY

## SERVICE LIST

### IN THE MATTER OF THE ALLEGED FAILURE OF SAMMONS COMMUNICATIONS OF NEW JERSEY, INC., TO CONFORM TO N.J.A.C. 14:18-3.16(a) 1 AND 2 NOTICE OF RATE CHANGE

BPU Docket Number: CO00090647

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